

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AHMAD MUKHTAR FAIZI, and
individual and derivatively on behalf of
FALAFEL FLAME, INC.,

Plaintiff,

v.

BAKTASH TEMORI, et al.,
Defendants.

Case No. 22-cv-04224-VKD

**ORDER TO SHOW CAUSE AND
REQUIRING ATTENDANCE AT
AUGUST 15, 2023 HEARING**

Re: Dkt. No. 70

On October 12, 2022, the Court issued an order granting (as modified) Mr. Faizi's motion for a preliminary injunction. Dkt. 35. On February 15, 2023, the Court granted in part and denied in part Mr. Faizi's motion for an order of contempt, based on defendants' failure to comply with the Court's preliminary injunction. Dkt. No. 54. On April 21, 2023, the Court granted Mr. Faizi's related request for attorneys' fees. Dkt. No. 65.

On July 5, 2023, Mr. Faizi filed another motion for an order of contempt, asserting that defendants have failed to comply, in any respect, with the October 2022 preliminary injunction, as well as the Court's subsequent orders finding defendants in contempt and requiring payment of attorneys' fees. Dkt. No. 70. Although defendants had notice of that motion and ample opportunity to file papers in response, they have not filed any brief nor submitted any evidence in response to that motion. The Court therefore concludes that defendants do not contest the bases asserted by Mr. Faizi for the relief sought in the pending motion for an order of contempt.

Based on the foregoing, the Court orders as follows:

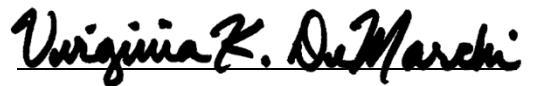
1. The hearing on Mr. Faizi's pending motion for an order of contempt will be held **in**

1 **person on August 15, 2023, 10:00 a.m.** in Courtroom 2, Fifth Floor of the United
2 States District Court at 280 South First Street, San Jose, California.

- 3 2. Defendants Baktash Temori and Masoud Rustakhis, as well as defense counsel Mr.
4 Babock, shall attend the August 15, 2023 hearing in person. At the hearing, defendants
5 shall show cause why the Court should not impose sanctions for their failure to comply
6 with the Court's October 12, 2022 preliminary injunction order (Dkt. No. 35), February
7 15, 2023 order of contempt (Dkt. No. 54), and April 21, 2023 order requiring payment
8 of attorneys' fees (Dkt. No. 65), including but not limited to payment of a daily fine
9 until defendants are in compliance with all orders—or potentially more drastic
10 sanctions, such as an order striking defendants' answer and entering default judgment
11 against them on some or all of the claims asserted in the complaint.
- 12 3. Mr. Babock shall ensure that all defendants have prompt notice of this order requiring
13 their attendance at the August 15, 2023 hearing and shall file a statement no later than
14 **August 4, 2023** certifying that he has provided such notice to the defendants.

15 **IT IS SO ORDERED.**

16 Dated: July 31, 2023

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19 VIRGINIA K. DEMARCHI
20 United States Magistrate Judge